



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, APRIL 3, 2002

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:30 P.M.

A Special Meeting is called at 6:30 P.M. for the purpose of conducting Closed Sessions.

Dennis Kennedy, Chairman/Mayor

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary)

City Council and Redevelopment Agency Action

CLOSED SESSIONS:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 4

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of
Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,
special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: USDC Northern California No. C01-20857 RMW

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Yat Chuen Cho, Junior Engineer
Public Works

PROCLAMATIONS

Morgan Hill Haru Matsuri
Jon Hatakeyama

100th/442nd Regimental Combat Team & Military Intelligence Service
Jon Hatakeyama

Holocaust Days of Remembrance

CITY COUNCIL REPORT

Council Member Chang

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #8 may be acted upon with one motion, a second and the vote, by each Respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

- 1) **ENVIRONMENTAL PERFORMANCE OF NEW PUBLIC FACILITIES** 1
Recommended Action(s): Approve City Council Policy 02-01.
- 2) **REIMBURSEMENT TO MODE CONSTRUCTION FOR THE EXCAVATION OF A PORTION OF
BUTTERFIELD CHANNEL** 5
Recommended Action(s):
 1. **Appropriate** \$11,500 from the Current Year Unappropriated AB 1600 Storm Drain Fund Balance for This Reimbursement; and
 2. **Authorize** Reimbursement of \$11,500 for the Excavation of a Portion of the Butterfield Channel to Mode Construction.
- 3) **AGREEMENT FOR ELIMINATION OF RETENTION BASIN AT THE NORTHWEST CORNER OF
TENNANT AND CAPUTO DRIVE** 17
Recommended Action(s): Authorize the City Attorney to Prepare the Necessary Agreement to Remove the Existing Retention Basin at the Northwest Corner of Tennant and Caputo Drive by Purchasing Replacement Capacity in Butterfield Channel.
- 4) **ACCEPTANCE OF CONSTRUCTION OF 2001-02 PHASE I PAVEMENT REHABILITATION
PROGRAM** 21
Recommended Action(s):

1. **Accept** as Complete the 2001-02 Phase I Pavement Rehabilitation Project in the Final Amount of \$1,907,583, and
 2. **Direct** the City Clerk to File the Notice of Completion with the County Recorder's Office.
- 5) **AWARD OF CONTRACT FOR 2001-02 PAVEMENT RESURFACING PROJECT PHASE II-DOWNTOWN MONTEREY** 25
Recommended Action(s): **Award** Contract to C. F. Archibald Paving, Inc. for the Construction of the 2001-02 Phase II Street Resurfacing and Reconstruction Project-Downtown Monterey Road in the Amount of \$302,950.20 for the Based Bid Work, \$27,588.80 for Bid Alternate work, Subject to City Attorney Review and Approval.
- 6) **APPROVE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND ANNUAL GOAL** 27
Recommended Action(s):
1. **Approve** the City's Disadvantaged Business Enterprise (DBE) Program and Annual Overall DBE Goal of 8% for the Federal Fiscal Year 2001/2002, beginning on October 1, 2001 and Ending on September 30, 2002; and
 2. **Authorize** the City Manager, by Adoption of this Report, to Sign the Final DBE Program and Submit it to Caltrans on Behalf of the City.
- 7) **SUBDIVISION AMENDMENTS: SDA-00-14: LLAGAS - DELCO AND SDA-00-15: HALE - DELCO (SHENG)** 49
Recommended Action(s): **Take No Action**, thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map Amendments.
- 8) **APPROVAL OF SUBDIVISION IMPROVEMENT WITH MURPHY RANCH, LP** 61
Recommended Action(s): **Approve** Subdivision Improvement Agreement and **Authorize** the City Manager to Sign the Agreement on Behalf of the City with Murphy Ranch, LP.

PUBLIC HEARINGS:

	Time Estimate		Page
9)	90 minutes	<u>ZONING AMENDMENT APPLICATION, ZA-01-05: MONTEREY - SOUTH VALLEY DEVELOPERS</u> <u>Recommended Action(s):</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action – <u>Approve</u> Negative Declaration. Action- <u>Motion to Waive</u> the Reading in Full of the Zoning Amendment Ordinance. <u>Motion to Introduce</u> the Zoning Amendment Ordinance by Title Only. (Roll Call Vote)	73
10)	10 minutes	<u>GENERAL PLAN AND ZONING AMENDMENT APPLICATIONS, GPA-01-08/ZA-01-25: MAST - ALCINI</u> <u>Recommended Action(s):</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	103

Council Discussion.

Action – **Approve** Negative Declaration.

Action – **Adopt** Resolution Approving General Plan Amendment.

Action- **Motion to Waive** the Reading in Full of the Zoning Amendment Ordinance.

Motion to Introduce the Zoning Amendment Ordinance by Title Only.

(Roll Call Vote)

11) 10 minutes GENERAL PLAN AMENDMENT APPLICATION, GPA 01-07: HALE AVENUE - DELCO 121

Recommended Action(s):

Public Hearing Opened.

Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.

Council Discussion.

Action – **Approve** Negative Declaration.

Action – **Adopt** Resolution Approving General Plan Amendment.

12) 10 minutes ZONING AMENDMENT APPLICATION, ZA-01-22: PEAK AVENUE - VILLA HEIGHTS 135

Public Hearing Opened.

Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.

Council Discussion.

Action- **Motion to Waive** the Reading in Full of the Zoning Amendment Ordinance.

Motion to Introduce the Zoning Amendment Ordinance by Title Only.

(Roll Call Vote)

13) 20 minutes COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ALLOCATION (FY 2002-2003) 149

Recommended Action(s):

Public Hearing Opened.

Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.

Council Discussion.

Action – **Adopt** Resolution for the Allocation of FY2002-2003 Federal CDBG Fund.

Action – **Authorize** the City Manager to Take All Steps Necessary for Implementation of the CDBG Program including Execution of All required Contracts.

OTHER BUSINESS

Time Estimate

Page

14) 15 minutes UTILITY BILLING SOFTWARE SELECTION AND CONTRACT NEGOTIATION 233

Recommended Action(s):

1. **Authorize** Staff to Negotiate for a Contract with Incode, Inc., for InVision Software, Hardware, and Annual Support;

2. **Appropriate** \$130,000 from Water Operations and Sewer Operations Fund Balances (Fund 640 & 650) for the Purchase and Installation of the Utility Billing

- System;
3. If Staff is Unable to Successfully Negotiate a Contract with Incode, Inc., **Authorize** Staff to begin Negotiations with the Other Three Top Candidates; and
 4. **Direct** Staff to Return to the City Council for Award of the Contract following Negotiations.

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| 15) | 10 minutes | <u>VTa PROPOSED TRANSIT FARE STRUCTURE CHANGES AND PROPOSED TRANSIT SERVICE REDUCTION PLAN</u> 257
<u>Recommended Action(s): Discuss</u> Proposed Fare Increases and Transit Service Reductions. |
| 16) | 10 minutes | <u>APPROVAL OF WATER, SEWER, AND STORM DRAINAGE MASTER PLANS</u> 265
<u>Recommended Action(s): Approve</u> Updated Water, Sewer, and Storm Drain Master Plans. |

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

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| 17) | 1 minute | <u>ADOPT ORDINANCE NO. 1550, NEW SERIES</u> 267
An Ordinance of the City Council of the City of Morgan Hill Pre-Zoning 19.5 Acres, Located on the West Side of Hill Road, on the North and South Side of Jean Court From County A-20 to Residential Estate 40,000/Residential Planned Development, Application ZA-97-08: (APN's 728-08-014 & 015, 728-07-047, 048, 050, & 051) |
| 18) | 1 minute | <u>ADOPT ORDINANCE NO. 1551, NEW SERIES</u> 273
An Ordinance of the City Council of the City of Morgan Hill Amending Ordinance No. 1472, New Series to Allow for a One Year Exception to Loss of Building Allotment for Five FY 2001-02 Building Allotments for Measure P Project MP-98-24: East Dunne - O'Connell (APN's 817-74-005 & 006) |
| 19) | 1 minute | <u>ADOPT ORDINANCE NO. 1552, NEW SERIES</u> 279
An Ordinance of the City Council of the City of Morgan Hill Amending Ordinance No. 1502, New Series to Allow for an Amendment to the Precise Development Plan for a 58-unit Single Family Project on a 20-acre Site Located on the South Side of East Dunne Avenue Adjacent to the East Side of the Church Located at 1790 East Dunne Avenue (APN's 817-19-009 & 049) |
| 20) | 1 minute | <u>ADOPT ORDINANCE NO. 1553, NEW SERIES</u> 285
An Ordinance of the City Council of the City of Morgan Hill Pre-Zoning 30 Acres, From County A-20 to Public Facility, Application ZA-01-09: Hale Avenue - Catholic High School (APN 764-09-012) |
| 21) | 1 minute | <u>ADOPT ORDINANCE NO. 1554, NEW SERIES</u> 291
An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to Title 18, Zoning, of the Municipal Code to Add New Text Regarding Maximum Front Yard Fence Height Requirements in OS, RE-100,000, RE-40,000, and RE-10 Zoning Districts |
| 22) | 1 minute | <u>ADOPT ORDINANCE NO. 1555, NEW SERIES</u> 297
An Ordinance of the City Council of the City of Morgan Hill Amending Ordinance No. 1503, New Series, to Allow for a One-year Exception to Loss of Building Allotment for Nineteen FY 2001-2002 Building Allotments for Measure P Project, MP-99-16: East Dunne-O'Connell (Trovare) (APN 817-19-009 & 049) |

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT